IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.11 OF 2006

Laxman Ramayya Vallal & Anr. ...Applicants

Versus

The Bhiwandi-Nizampur Municipal

ALONG WITH

CIVIL REVISION APPLICATION NO.12 OF 2006

Gangadulari Bindaprasad Chaudhari ...Applicant

Versus

The Bhiwandi-Nizampur Municipal

Corporation ...Respondent

ALONG WITH

CIVIL REVISION APPLICATION NO.13 OF 2006

Satishkumar Bindaprasad Chaudhari ...Applicant

Versus

The Bhiwandi-Nizampur Municipal

Corporation ...Respondent

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Mr.R.P.Sabban for Applicants.

None for Respondent.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 1, 2006.

P.C.

1. Heard Counsel for the Applicants.

2. The order impugned in these Revision Applications is a discretionary order passed by the Court below condoning delay in filing of Appeal from Order preferred by the Respondent Corporation. The delay was only of 140 days. The Court has recorded reasons for condoning delay of 140 days and has exercised discretion in favour of the Respondent.

3. I see no propriety in interfering with the discretionary order passed by the Court below. The indulgence has been shown by the Appellate Court by imposing cost.

4. Counsel for the Applicant, however, submits that there was no legal basis to condone the delay. No sufficient explanation was offered

in the Application. Besides, reliance is placed on the decision of the Apex Court in **State of West Bengal vs. Administrator, Howrah Municipality reported in A.I.R. 1972 SC 749** and another decision of Rajasthan High Court in the case of **New India Insurance Co.Ltd. & Ors. vs. Smt.Keshar & Ors. reported in A.I.R. 1996 Rajasthan 28** to contend that even if the party is a Corporation or State, that makes no difference to the legal basis on which delay can be condoned by the Court.

5. Indeed, there can be no difficulty in accepting the submission of the Applicant that the litigant should be treated evenly whether it is State or Corporation. However, the recent trend of Judgments of the Apex Court have repeatedly taken the view that insofar as State or Corporation is concerned, the matter will have to be viewed from a different perspective, as it involves public interest as well. The Court will have to adopt lenient attitude in such cases. **(See AIR 1987 SC 1353, AIR 1988 SC 897, AIR 1996 SC 1623 and AIR 1996 SC 2750).**

6. In the present case, as the delay is only of 140 days and the lower Court has accepted the explanation and the cause made out by the Respondent before that Court, coupled with the fact that the lower Court exercised discretion in favour of the Respondent in condoning the delay, this Court should be slow to interfere with such discretionary order in exercise of revisional jurisdiction. Hence, these Revision Applications fail. The same are dismissed.

A.M.KHANWILKAR, J.